

FILED

JAN 25 2023

**Belinda Munson
MUNCIE CITY CLERK**

MUNCIE CITY COUNCIL
ORDINANCE NO. 5-23

**AN ORDINANCE AMENDING CHAPTER 95 SECTION 95.08, SECTION 95.09 AND
SECTION 95.17 OF THE CITY OF MUNCIE CODE OF ORDINANCES ENTITLED
"PARKS AND RECREATION"**

WHEREAS, Chapter 95 of the City of Muncie Code of Ordinances outlines the power of the City of Muncie to establish and maintain parks.

WHEREAS, the Common Council of the City of Muncie desires to amend to add additional safety and public health measures for maintaining the city parks.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, DELAWARE COUNTY INDIANA THAT:

Section 1. Section 95.08 Sleeping on benches; gambling of the City of Muncie Code or Ordinances shall be amended as follows:

§ 95.08 Sleeping on benches; gambling.

A. Sleeping in Parks and Public Places

1. Sleeping, camping, and overnight stays in parks or upon playgrounds, park lands or any bench or other equipment located in or on any park premises is expressly prohibited, regardless of hours, except in such place and at such times as be especially designated and permitted by the Board of Parks and Recreation either by resolution, contract, lease, or permit.
2. It shall be unlawful for any person to be found lying or sleeping in, along or upon any public street or other public place, or in any shed, stable, outhouse, building, warehouse, railroad depot or railroad car, in or about any yard, mill or factory in the City, without having permission of the owner or occupants thereof to so sleep or be in such place.

B. Storage of Personal Belongings

1. It shall be unlawful to any person to store personal belongs along or upon any public street, park, or other public place.
2. The City of Muncie Parks Department and Police Department may remove any personal belongings stored along or upon any public street, park, or other public place. Said personal belongings shall be stored at the City of Muncie Parks Department for a period of 30 (thirty) days from the date the items are taken. In the event an individual fails to claim said personal property within 30 (thirty) days, the Board or Parks and Recreation shall donate said items to a local social service agency or dispose of the items properly.

C. Gambling

1. No person shall be permitted to beg, tell fortunes, or play at any game of chance or with any instrument of gaming in the park. Gambling and playing cards in any form are prohibited in any park except within leased spaces at Prairie Creek Reservoir. The leased spaces at Prairie Creek Reservoir include the dock lease spaces and the seasonal campsite lease spaces.

Section 2 Section 95.09 Intoxicating Beverages of the City of Muncie Code of Ordinances should be amended as follows:

§95.09 Intoxicating Beverages

No person shall introduce any intoxicating beverages into any public park, either for his own use or for sale, or use, sell, or give away the same, except within leased spaces at Prairie Creek Reservoir. The leased spaces at Prairie Creek Reservoir include the dock lease spaces and the seasonal campsite lease spaces.

Section 3 Section 95.17 Prairie Creek Reservoir of the City of Muncie Code of Ordinances should be amended as follows:

§95.17 Prairie Creek Reservoir

- A. No person shall place, deposit, or permit to be deposited in any unsanitary manner upon public or private property below the high-water line of the Prairie Creek Reservoir any sewage, garbage, waste materials, or waste paper. The operation of any boat or craft on the waters of the reservoir shall be done in a manner so as not to create any unsanitary condition in or about the waters. The operators of the craft shall not pollute the waters by discharging any material amount of oil or polluting liquid or solid tending to make the water unwholesome or unfit for water supply purposes or injurious to the aquatic life therein.
- B. No person shall enter upon the reservoir property leased to the city without the permission and consent of the city, as determined by the board of parks commissioners. Any entry upon such land without such permission and consent shall constitute a trespass.
- C. The board of park commissioners of the city shall have the authority to adopt rules and regulations concerning the use and activities on the Prairie Creek Reservoir. Upon adoption of the rules and regulations, the same shall be published in a newspaper of general circulation in the city, as well as posted on and about the Prairie Creek Reservoir premises. The violation of any of the rules and regulations shall constitute a violation of this section.
- D. Privately leased spaces within the Prairie Creek Reservoir shall be exempt from sections of Chapter 95, with the exception of 95.17. All privately leased spaces within the Prairie Creek Reservoir shall follow all rules and regulations adopted by the board of park commissioners of the City of Muncie, Indiana. The privately leased spaces at Prairie Creek Reservoir include the dock lease spaces and the seasonal campsite lease

spaces. The violation of any of the rules and regulations shall constitute a violation of this section.

Section 3 That this Ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.

Passed by the Common Council of the City of Muncie, Indiana this 6 day of March, 2023.

	Yeas	Nays	Abstained	Absent
Jeff Green	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon Garrett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Isaac Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Dishman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roger Overby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aaron Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ro Selvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Troy Ingram	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



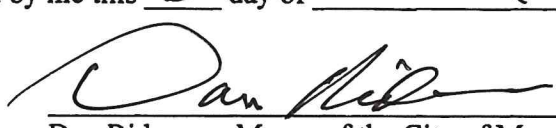
President Muncie Common Council

Presented by me the Mayor for his approval, this 6 day of March, 2023.



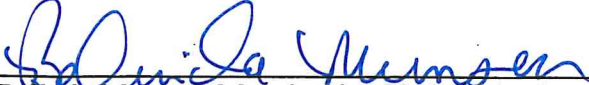
Belinda Munson, Muncie City Clerk

The above Ordinance is approved/vetoed by me this 6 day of March, 2023.



Dan Ridenour, Mayor of the City of Muncie

ATTEST:


Belinda Munson, Muncie City Clerk of the Common Council

This Ordinance is proposed by Council Member



This Ordinance is approved in form by Controller



This Ordinance is approved in form by Legal Counsel

